

Reasonable Accommodations Ordinance



Focus Group 10-1-08

LA County Department
of Regional Planning





Introduction

Planning Department Functions

– Current planning

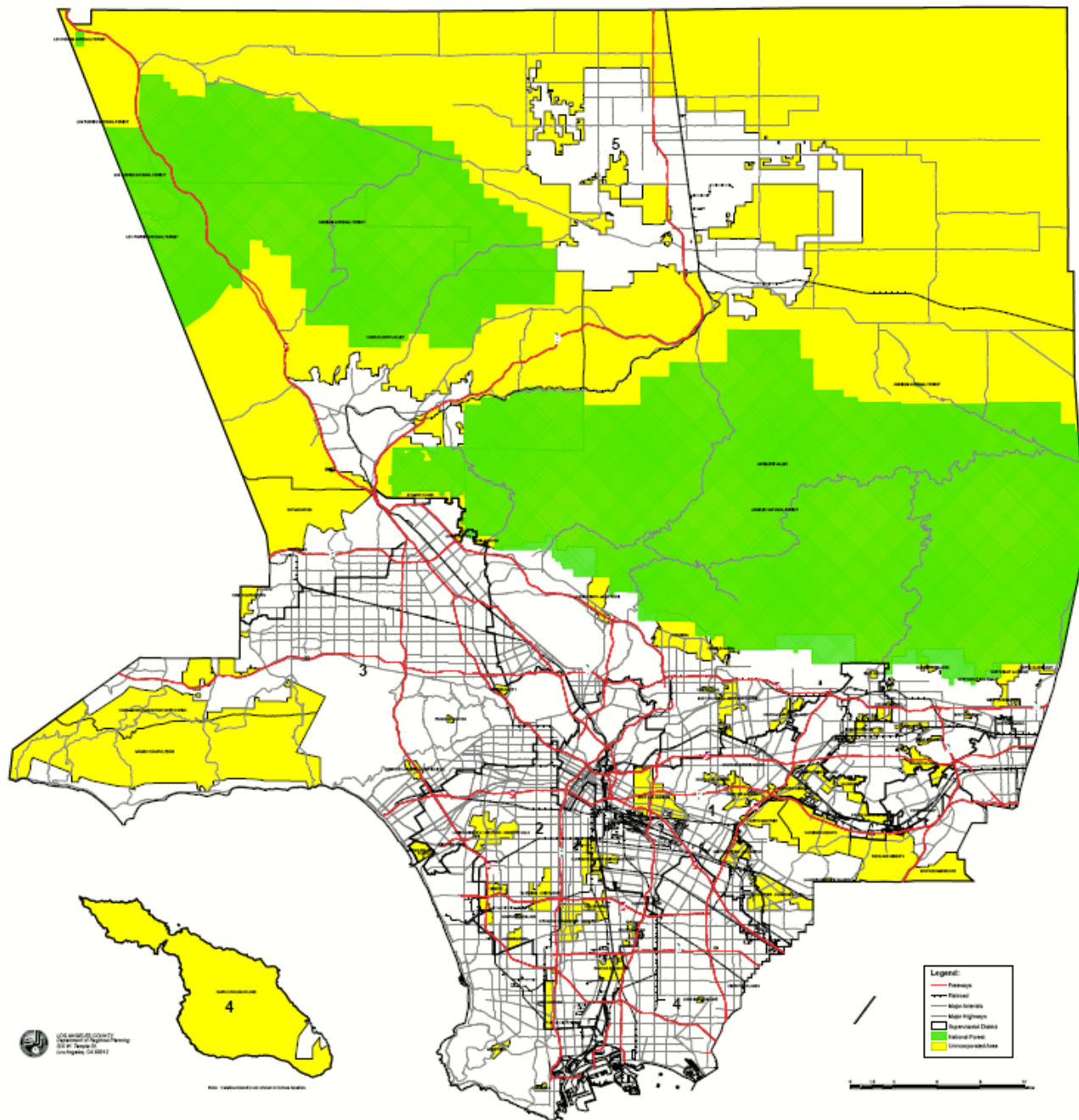
- Permit processing of land use applications – discretionary and non-discretionary
- Enforcement of zoning regulations and permit conditions

– Long range planning

- General Plans, zoning ordinances, local community plans



COUNTY OF LOS ANGELES SUPERVISORIAL DISTRICTS





Housing Element

- Mandatory General Plan element and must be updated regularly
- Analyzes land use to plan for a share of the Region's housing need.
- Contents:
 - Needs analysis (including special needs populations)
 - Constraints analysis
 - Sites inventory
 - Programs
- Adopted Aug 5, 2008



Fair Housing Laws

"...equal opportunity to use and enjoy a dwelling"

- Fair Housing Act
- The Americans with Disabilities Act
- The Unruh Civil Rights Act
- Fair Housing Amendments Act of 1988
- CA Fair Employment and Housing Act
 - The FEHA explicitly prohibits discriminatory “public or private land use practices, decisions and authorizations” including, but not limited to, “zoning laws, denials of permits, and other [land use] actions . . . that make housing opportunities unavailable” to people with disabilities.



Fair Housing Laws Cont.

Housing Element Law

- Requires local jurisdictions analyze governmental constraints on housing for persons with disabilities including land use, building codes, site improvements, fees and associated procedures.
- Requires the Housing Element provide a program that removes governmental constraints to the maintenance, improvement, and development of housing for persons with disabilities, and provides for reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.



Disability

- A person with a disability is someone who has a physical or mental impairment, or a medical condition that limits a major life activity; has a *record of* such impairment; or is *regarded as* having such an impairment.
- People in recovery for substance abuse are also protected by fair housing laws, unless they are currently using.
- Advocates, providers and developers of housing for people with disabilities also have fair housing protections.
- "Handicap" and "disability" have exactly the same legal meaning.



What is Reasonable Accommodations?

What it is...

Providing flexibility in the application of zoning regulations or policies, including the modification or waiver of certain requirements, when it is necessary to eliminate barriers to housing opportunities.

What it isn't...

- Not going to create or fund new housing
- Not a "reasonable modification"
- Does not change or strengthen ADA requirements



Ordinance Components

- Findings
 - Disability?
 - Necessary?
 - Reasonable?
- Decision-maker
- Appeal procedure
- Public hearing required...?
- Timeframe (no. of days to process)...
- Application fee...



Example 1

Exempting a homeowner with a disability from the requirement of getting a variance to encroach into a side-yard, in order to build a wheelchair ramp.





Example 2

Exception to a zoning requirement to allow more than six individuals to reside together in a residential neighborhood, based on findings that group homes would not otherwise be possible in residential neighborhoods since 12 residents were needed to make the operation financially viable.





Example 3



Waiving a zoning variance requirement for a homeowner who wished to build an accessible parking space in the front yard of their home, because the resident had a disability that made it hard to access the home otherwise.



Preparation & Implementation

Pre-Adoption

- Research on fair housing laws and other local jurisdictions' policies
- Outreach with affected groups & individuals
- Discussions with fair housing experts

Post-Adoption

- Outreach with developers and community groups
- Internal education and training



Discussion: Issues and Experience

- What are the major housing impediments that your consumers face?
- Have you or anyone you know ever requested a Reasonable Accommodation from Zoning standards?
- What types of requests would you expect that we receive?



Discussion: Findings

Reviews of other local jurisdictions' Reasonable Accommodations policies identified additional findings...

- Neighborhood impact; change character of neighborhood.
- Result in a direct threat to the health or safety of other individuals or affect surrounding property values.
- In the case of a residential care facility, whether the RA would create an "institutionalized environment" due to the number and distance between other similar uses.
- Necessity finding: verification of disability.

Can an official recommend an alternative which provides an equivalent level of benefit?



Discussion: Appeals

Application is Denied

- The applicant can request an appeal hearing which is noticed by mail to surrounding residents and owners;
- Appeal procedure is closed to the public.

Approved, but opposed by another party

- Anyone or only adjacent residents?
- The other party can appeal the decision and request a noticed public hearing;
- Nothing, only the applicant can appeal.

How many times can an applicant or other party appeal a decision ?